

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA

EMILIA STRONG SYKES, et al.,	)	
	)	
	)	
Plaintiffs,	)	
	)	CASE NO.: 3:06-CV-582
	)	
vs.	)	
	)	
BENJAMIN F. PAYTON,	)	
PETER SPEARS, MINNIE R. AUSTIN,	)	
and TUSKEGEE UNIVERSITY,	)	
	)	
Defendants.	)	

**ANSWER TO COMPLAINT AS AMENDED**

COME NOW Defendants Benjamin F. Payton, Peter Spears, Minnie R. Austin, and Tuskegee University, by and through their attorneys of record and respond to the Plaintiffs' Complaint as follows:

**INTRODUCTION**

1. Denied.

**JURISDICTION**

2. Denied.

**VENUE**

3. Admitted.

4. Defendants, based on information and belief, admit that Plaintiff Emilia Strong Sykes is a student at Tuskegee University and a citizen of Ohio. All other parts of the averment are denied and strict proof is demanded.

5. Defendants based on information and belief, admit that Barbara and Vernon Sykes are the parents of Emilia. All other parts of the averment are denied and strict proof demanded.

6. Defendants admit that Benjamin F. Payton is the President of Tuskegee University and a citizen of Alabama. All other parts of the averment are denied.

7. Defendants admit that Dean Peter Spears is a citizen of Alabama. All other parts of the averment are denied.

8. Defendants admit that Minnie R. Austin is the Director of Student Life and Development and a citizen of Alabama. All other parts of the averment are dismissed.

9. Denied.

#### **FACTUAL BACKGROUND**

10. Admitted.

11. Denied.

12. Based on information and belief, admitted.

13. Denied.

14. Denied.

#### **COUNT ONE – PROMISSORY ESTOPPEL**

15. Defendants adopt and re-aver all prior paragraphs as answered and stated fully herein.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

**SECOND COUNT – PROCEDURAL DUE PROCESS**

22. Defendants adopt and re-aver all prior paragraphs as answered and stated fully herein.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

**THIRD COUNT-INTENTIONAL INFLECTION  
OF EMOTIONAL DISTRESS**

28. Defendants adopt and re-aver all prior paragraphs as answered and stated fully herein.

29. Denied.

30. Admitted.

31. Denied.

32. Denied.

**AFFIRMATIVE DEFENSES**

**First Defense**

Defendants deny each and every material allegation of the Plaintiffs' Complaint and demand strict proof thereof.

**Second Defense**

Defendants plead the general issue and demand strict proof thereof.

**Third Defense**

Defendants plead not guilty.

**Fourth Defense**

Defendants plead lack of jurisdiction.

**Fifth Defense**

Defendants deny any outrageous conduct.

**Sixth Defense**

Defendants plead improper cause of action and/or lack of cause of action.

**Seventh Defense**

Defendants plead denial of any promissory estoppel.

**Eighth Defense**

Defendants plead denial of any procedural due process.

**Ninth Defense**

Defendants plead denial of any intentional infliction of emotional distress.

**Tenth Defense**

Defendants plead that there was no cause of action listed for *42 U.S.C. Section 1983* and *Fourteenth Amendment* to the *U.S. Constitution* violations.

**Eleventh Defense**

Defendants plead that there was no allegation of an affirmative misrepresentation for a promissory estoppel.

**Twelfth Defense**

Defendants plead good faith effort to correct a clear error.

**Thirteenth Defense**

Defendants plead reasonable and justified actions to correct an error.

**Fourteenth Defense**

Defendant plead that the Plaintiffs' Complaint fails to state a claim upon which relief may be granted.

**Fifteenth Defense**

Defendants plead lack of jurisdiction for failure to allege the proper jurisdictional amount.

**Sixteenth Defense**

Defendants reserve the right to supplement their answers.

Respectfully submitted,

/s/Ernestine S. Sapp  
Ernestine S. Sapp – SAP 004

Attorney for Defendants

GRAY, LANGFORD, SAPP,  
McGOWAN, GRAY & NATHANSON  
P.O. Box 830239  
Tuskegee, AL 36083-0239  
Telephone: (334) 727-4830  
Fax: (334) 727-5877  
E-Mail: [esapp@glsmgn.com](mailto:esapp@glsmgn.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on July 28, 2006, I electronically filed the foregoing **Answer to Complaint As Amended** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Percy Squire, Esq.  
[psquire@sp-lawfirm.com](mailto:psquire@sp-lawfirm.com)

Respectfully submitted,  
/s/Ernestine S. Sapp  
Ernestine S. Sapp – SAP 004

E-Mail: [esapp@glsmgn.com](mailto:esapp@glsmgn.com)

